

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In Re: MARLIN FRANCIS REKOW,  
Address: 8298 Lock Lane, Warrenton, VA 20186-8451

Debtor.

Case No: 10-20624-BFK

SUNTRUST BANK,

Plaintiff,

Chapter 7

v.

DONALD F. KING, Trustee,

Defendant.

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND HEARING

SunTrust Bank, a creditor in this case, has filed papers with the Court to obtain relief from the provisions of the automatic stay of the Bankruptcy Code with regard to certain property more particularly described in those papers which are attached.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the Court to grant this creditor relief from the provisions of the automatic stay of the Bankruptcy Code, or if you want the Court to consider your views on the Motion for Relief from the Automatic Stay, then on or before November 4, 2011, you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

William C. Redden, Clerk  
U.S. Bankruptcy Court  
Alexandria Division  
200 South Washington Street  
Alexandria, VA 22314-5405

You must also mail a copy of any such response to:

Jason L. Hamlin, Esquire  
Melissa M. Watson Goode, Esquire  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

**Attend the preliminary hearing scheduled to be held on November 16, 2011 at 9:30 a.m. in the Courtroom I, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314-5405.**

**If no timely response has been filed opposing the relief requested, the Court may grant the relief requested in the Motion for Relief from Stay.**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion for Relief from Automatic Stay and may enter an Order granting that relief.

Date: October 21, 2011

Signature: /s/Melissa M. Watson Goode

Name: Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2011, a true copy of the foregoing Notice of Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Steven B. Ramsdell, Attorney for the Debtor, and to Donald F. King, Trustee, and was mailed, first class, postage prepaid to Marlin Francis Rekow, Debtor, at 8298 Lock Lane, Warrenton, VA 20186-8451.

/s/Melissa M. Watson Goode

Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
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In Re:

MARLIN FRANCIS REKOW,

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Case No: 10-20624-BFK

SUNTRUST BANK,

Plaintiff.

Chapter 7

v.

DONALD F. KING, Trustee,

Defendant.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

**TO DONALD F. KING, DEFENDANT:**

Pursuant to Rule 4001(a)-1(C) of the Local Rules of the United States Bankruptcy Court of the Eastern District of Virginia, you have fourteen (14) days from October 21, 2011, the date of service of this Motion upon you, to file a written response thereto and you must file such response with the Clerk of the United States Bankruptcy Court, Eastern District of Virginia, Alexandria Division, 200 South Washington Street, Alexandria, VA 22314-5405, and serve a copy of same upon the Plaintiff's attorneys, Jason L. Hamlin and/or Melissa M. Watson Goode, at Crown Center, Suite 600, 580 East Main Street, Norfolk, VA 23510.

Jason L. Hamlin, VSB #46931  
Melissa M. Watson Goode, VSB #73516  
Glasser and Glasser, P.L.C.  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510  
(757) 625-6787  
Attorneys for SunTrust Bank

**Glasser and Glasser, P.L.C.**  
Crown Center, Suite 600  
580 East Main Street  
Norfolk, Virginia 23510-2212

TO THE HONORABLE BRIAN F. KENNEY:

Your Plaintiff, SunTrust Bank, respectfully represents as follows:

1. That this is a core proceeding within the meaning of the Bankruptcy Code and Rules.
2. That on December 22, 2010, the above-named Debtor filed a Petition in this Court.
3. That Donald F. King was appointed Trustee of the property, has qualified and is now acting.
4. That at the time of the filing of the Debtor's Petition herein, the Debtor had an ownership interest in certain real property and improvements having a street address of 64 Gordon Clan Lane, Huntly, Virginia located in the County of Rappahannock, Virginia, more particularly described as follows:

THAT CERTAIN PIECE OR PARCEL OF LAND, AND THE BUILDINGS  
AND IMPROVEMENTS THEREON, KNOWN AS: 64 GORDON CLAN LANE

IN THE TOWN OF: HUNTLY  
COUNTY OF: RAPPAHANNOCK  
STATE OF: VIRGINIA

BEING MORE PARTICULARLY DESCRIBED IN A DEED RECORDED IN:

DOCUMENT NUMBER: 1561

PROPERTY IDENTIFICATION:

PIN: 5-1-16H

PROPERTY DESCRIPTION:

LOT: 1B1  
ACREAGE: 30.4502

5. That the Plaintiff is the holder of an Account Agreement dated April 6, 2005, in the original principal amount of \$250,000.00 with variable interest thereon from said date at the

rate established in said Agreement, subsequently modified by an Account Agreement and Modification of Deed of Trust, in the original principal amount of \$660,000.00 with variable interest thereon from said date at the rate established in said Agreement, secured by a Deed of Trust on said real property and improvements recorded in the Clerk's Office of the Circuit Court of the County of Rappahannock, Virginia, on which there is an unpaid principal balance owing to the Plaintiff of \$640,618.00, exclusive of interest and late charges. True copies of said Account Agreements, Modification of Deed of Trust and Deed of Trust are attached hereto and incorporated by reference as Exhibits "A", "B", "C" and "D", respectively.

6. That the Debtor has defaulted in the payments due to the Plaintiff relative to the aforementioned Deed of Trust Note totaling the sum of \$4,735.02 inclusive of late charges, exclusive of attorney's fees and costs incident to the filing and prosecution of this Motion. The Plaintiff reserves the right to specify any additional payment default or delinquency that may accrue between the filing date of this Motion and the time of any hearings scheduled with regard to same.

7. That the Debtor was granted a discharge herein on April 6, 2011; however, the aforementioned real property and improvements has not been abandoned by the Trustee herein and the Trustee has not filed a Final Report of No Asset Case herein. Accordingly, said property remains property of the estate subject to the automatic stay of 11 U.S.C. Section 362(a).

8. That the Plaintiff is not receiving adequate protection of its security interest in the aforementioned real property and improvements due to the default alleged herein and due to the failure of the Trustee to take any action with respect to either liquidating or abandoning said property while the balance due the Plaintiff on account of the aforementioned indebtedness

continues to increase.

9. That in the event the Plaintiff is granted relief from stay hereunder, the Plaintiff, its agents and/or representatives, requests that the Order granting said relief allow the Plaintiff, its successors and/or assigns, agents and/or representatives to send communications, as necessary, to the Debtor, including, but not limited to, notices required by applicable state law in connection with applicable State Court foreclosure or other proceedings incident to the aforesaid real property and improvements including any proceedings necessary to recover possession of same from the Debtor.

10. That the facts hereinabove alleged constitute cause for a grant of stay relief in favor of the Plaintiff pursuant to the provisions of 11 U.S.C. Section 362(d)(1).

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay of the Bankruptcy Code with regard to the above-described real property and improvements including any act necessary to recover possession of same from the Debtor and that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived.

SUNTRUST BANK

By /s/Melissa M. Watson Goode  
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2011, a true copy of the foregoing Motion for Relief from the Automatic Stay was submitted for electronic transmittal to Steven B. Ramsdell, Attorney for the Debtor, and to Donald F. King, Trustee, and was mailed, first class, postage prepaid to Marlin Francis Rekow, Debtor, at 8298 Lock Lane, Warrenton, VA 20186-8451.

/s/Melissa M. Watson Goode

Jason L. Hamlin, VSB #46931

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